

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ANDREW NATHANIEL CAIN,)	
Plaintiff,)	
)	
v.)	No. 3:08-CV-0566-D
)	
HONORABLE JOHN JACKSON, ET AL.,)	
Defendants.)	

ORDER

After making the review required by 28 U.S.C. § 636(b), the court finds that the findings, conclusions, and recommendation of the magistrate judge are correct, and they are adopted as the findings and conclusions of the court.

It is apparent from the plaintiff's objection that, because the plaintiff is not a lawyer, he does not understand the reasoning or effect of the magistrate judge's recommendation or of a judgment of dismissal without prejudice.

Abstention under *Younger v. Harris* is appropriate where state proceedings (1) are pending at the time the federal action is filed, (2) implicate important state interests, and (3) provide an adequate opportunity to raise the federal claims. *See Middlesex County Ethics Comm'n v. Garden State Bar Ass'n*, 457 U.S. 423, 432 (1982). When these requirements are met, a federal district court has no choice but to dismiss the federal action. Plaintiff is complaining of conduct in two pending state court child custody proceedings. Child custody proceedings implicate important state interests, and the proceedings provide an adequate opportunity to raise the federal claims that the plaintiff asserts. Therefore, this court must abstain from hearing the plaintiff's lawsuit.

Moreover, by dismissing this case *without prejudice*, the court is allowing the plaintiff to file another lawsuit—if he has adequate grounds to do so—after the state cases are concluded.

SO ORDERED.

July 10, 2008.



SIDNEY A. FITZWATER
CHIEF JUDGE